

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:09cv423**

**THIS MATTER** is before the Court on the “Defendants’ Alternative Motion to Postpone” [Doc. 211] filed December 21, 2011.

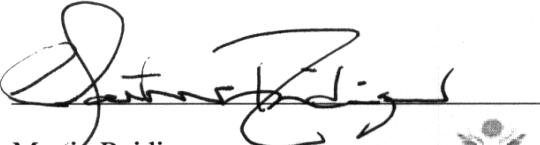
Defendants are correct in their motion that the filing of a notice of appeal is “an event of jurisdictional significance.” [Id. at 2]. It is for that reason that the Court desires to address that jurisdictional issue as fully as possible and with the greatest clarity possible. The purpose of the Court’s earlier Order as well as the purpose of the hearing scheduled for December 29 was to facilitate the Court’s attending to that issue - and if it turns out that there is some portion of this case over which this Court continues to have jurisdiction to conduct the final pretrial conference as that portion remains set for trial

beginning January 9, 2012.

Defendants' counsel have informed the Court that they have scheduling conflicts concerning family health issues that would prevent either Mr. Morgan or Mr. Numbers from attending the hearing as scheduled. The Court desires to accommodate such conflicts. In light of the extremely short time frame in which the Court must address the jurisdictional issue, however, the hearing cannot be long postponed. For this reason the Court will continue the hearing until Friday morning, December 30, 2011, at 9:00 am (along with the final pretrial conference if such shall be necessary).

IT IS SO ORDERED.

Signed: December 22, 2011



Martin Reidinger  
United States District Judge

